

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Minorities Welfare Department - Certain Guidelines for issuing Minority Status Certificate for making admissions and appointments etc., in Minority Educational Institutions - Orders - Issued.

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**MINORITIES WELFARE (M&R) DEPARTMENT**

**G.O.Ms.No.1**

**Dated 16<sup>th</sup> January, 2004.**

**Read the following:-**

1. Judgment of the eleven judges Constitution Bench of Supreme Court of India in W.P.(Civil) No.317/1993, dt31-10-2002 in TMA Pai Foundation and Others Vs. State of Karnataka and Others.
2. G.O.Ms.No.34, Edn.(SE.Trg.l) Dept., dt.24-3-2003.

**ORDER:**

The Constitutional Bench of Supreme Court of India, in its Judgment dt.31-10-2002, in TMA Pai Foundation and Others Vs. State of Karnataka and Others in W.P.(Civil) No.317/1993 relating to process of admissions, selections etc., has not laid down the indicia for treating an educational institution as Minority Educational Institution. Adhoc Rules have been issued vide reference second read above, restricting the issue of Minority Status Certificate to the Educational Institutions.

2. Several managements of newly established private educational institutions have represented to the Government for granting of Minority Status Certificate to their institutions.
3. Government have examined the issue and in supersession of the earlier orders issued on the subject have decided to issue the following guidelines regulating the issue of Minority Status Certificate to the Minority Educational Institutions, to safeguard the interests of the Minority students. These guidelines are subject to the Judgment of the Supreme Court of India.
4. A copy of this order is available on the Internet and can be accessed at address: <http://apts.gov.in/apgos>.

**GUIDELINES**

**I. Criteria for recognition of Educational Institutions as Minority Educational Institutions:**

- (1) The educational agency managing the educational institution should be registered as a Society/Trust/Committee comprising of 100% members belonging to that religious minority to which they claim to belong. (The definition of Religious Minority Educational Institutions shall be subject to final outcome of Supreme Court judgment in this regard).
- (2) The aims and objects of the educational agency incorporated in its bye-laws should clearly specify that it is meant to primarily serve the educational interests of the minority community to which they claim to belong, in the letter and spirit.

(3) Only Educational Institutions are entitled for granting recognition as of Minority and not the Society/Trust/Committee and the like managing the institution.

(4) Mere naming of an educational institution to mimic as of belonging to Minority Community would not entitle to be recognised as Minority Educational Institution.

(5) The educational institutions established and managed by the minorities shall serve the educational needs of their community to which they claim to belong by filling up not less than 70% of seats being filled up by the Managements as per the rules governing admission into various colleges with the candidates belonging to the respective minority community.

(6) Out of the seats to be filled by the management by the Minority Institutions, 70% of the seats (Minority Quota) shall be filled in by the managements strictly as per the rules governing the admissions with transparency in admissions.

**Note:** *The above percentage is subject to the orders of the Supreme Court in respect of Professional Private Institutions.*

## **II. Authority to grant Minority Status Certificate to Minority Educational Institutions:**

The Principal Secretary/Secretary to Government, Minorities Welfare Department shall be the Competent Authority to grant Minority Status Certificate to all Religious Minority Educational Institutions, provided that—

(1) The educational institution falls within the ambit of the norms prescribed under para I above.

(2) Secondary School Certificate or any other equivalent record / Transfer certificates from the schools in which they have studied shall be the basis for determining the religious status for admission in Minority institutions.

(3) The Minority Status Certificate shall be issued only after obtaining a report from the concerned Head of the Department.

## **III. Duration of Minority status and review:**

(1) Minority Status Certificate shall be given for a period of 3 (three) years and shall be renewed prior to its expiry period by making application about three months in advance. However, a Committee under the Chairmanship of Principal Secretary, Minorities Welfare with Principal Secretaries, Higher Education, School Education and Health Medical & Family Welfare will review the functioning of these Minority Institutions every year and if the situation so warrants, Government would have the authority to withdraw the Minority Status, if the Minority Institutions violate the instructions, orders of the Government.

(2) The Minority Educational Institutions shall furnish the list of admitted candidates every year within 15 days from the cut off date as fixed by the Government/University concerned to the Minorities Welfare Department for verification and onward transmission to the Registrar of the University concerned.

#### **IV. Application for grant of recognition as Minority Educational Institution:-**

(1) The Educational Agency desirous of obtaining recognition to a particular institution as Minority Educational Institution, shall make an application in the prescribed Form-I to the Competent Authority along with necessary documentary evidence in support of permission for establishment, recognition, affiliation as well as Society's Registration, Bye-laws and also religious status of the Governing Body members of the Society. The management should pay the inspection fee to the Inspecting Authority as and when they require as fixed by them in the form of Demand Draft.

(2) The Competent Authority shall dispose off the application for Minority Status within 30 days from the date of the receipt of the Inspection Report from the concerned Head of Department.

(3) Mere applying for recognition, or mere obtaining permission for the establishment of minority educational institution by the permission authority will not entitle the educational institution for recognition as minority educational institution unless the institution has been issued Certificate to that effect by the Competent Authority.

#### **V. Conditions under which the recognition as Minority Educational Institution can be withdrawn:-**

The Competent Authority mentioned under para II is also the Competent Authority to withdraw the recognition granted to an institution as minority educational institution. The Competent Authority shall withdraw the recognition under the following circumstances:

(1) If the constitution, aims and objects of the educational agency, which has enabled it to obtain minority status to its educational institution, has subsequently been modified/revised/amended, in such a way that it no more reflects the spirit of minority institution.

(2) If the educational agency fails to follow the norms and conditions pertaining to the fee structure, admission procedure, and pattern and various other conditions laid down by the competent authorities from time to time aimed at maintaining academic standards and excellence of education, so far as they are not repugnant to the provisions of the Constitution of India.

(3) On verification of the records during inspection etc., if it is found that the educational agency has failed to admit students belonging to the concerned minority community in the institution, as per the rules and prescribed percentage governing admission during any academic year.

(4) If the educational agency fails to fulfill the criteria laid down under para IV for grant of recognition as a minority educational institution.

#### **VI. Procedure for withdrawal of recognition as minority educational institution:-**

Under any one or more of the circumstances referred to under para-V, if the Competent Authority is of the opinion that any educational institution which has been accorded recognition as minority educational institution, no longer deserves the status of minority educational institution, it may withdraw the recognition so accorded by following the procedure, prescribed below:

(1) The Competent Authority or the officer authorised by him, shall issue a show cause notice giving 14 days time to explain why the recognition as minority educational institution accorded to the institution shall not be withdrawn.

(2) If the educational agency fails to comply with the notice or the explanation submitted is not to the satisfaction of the authority, the Competent Authority shall withdraw the recognition of the educational institution as minority educational institution.

(3) If the educational agency which has been served with the show cause notice as stated in sub-para (1) rectifies the deficiencies pointed out in the notice, the Competent Authority may continue the recognition, subject to fulfilment of such other conditions which the authority may prescribe as deemed fit.

(4) Educational institutions whose recognition as minority educational institution has been withdrawn shall not be entitled for restoration of the recognition in the subsequent period.

**VII. General Instructions:-**

(1) The Minority Educational Institutions shall follow the criteria for establishment, admissions, fee structure, appointment of teaching and non-teaching staff and salaries etc., as prescribed by the Government/ concerned University/All India Council for Technical Education/ National Council for Teacher Education/Medical Council of India etc., from time to time.

(2) No educational institution shall be entitled for the privileges, which are allowed for recognised minority educational institutions unless it is recognised as minority educational institution and is issued a certificate of recognition to that effect, by the Competent Authority.

(3) The State, through the Departmental machinery, are empowered to enforce the rules and regulations of the department so far as they are not repugnant to the provisions of the Constitution of India aiming at the furtherance of educational standards and excellence of education and to check mal-administration in the minority educational institutions.

(4) Government or any other authority on their behalf are competent to make inspection and/or cause enquiry so as to ensure that the institutions are not indulging in any mis-management and to see that the academic standards and excellence of education are maintained.

(5) Every educational agency shall follow the instructions issued by the Competent Authority from time to time, which are meant to strengthen and streamline the educational standards and discipline.

(6) All the rules prescribed for the establishment, registration, recognition, administration and control of other private educational institutions shall also be applicable to the corresponding categories of minority educational institutions so far as they are not repugnant to the relevant provisions of the Constitution of India.

(7) Government / Head of the Department/University/State Councils concerned are empowered to issue instructions or prescribe rules and regulations as deemed necessary for various categories of educational institutions separately and shall be applicable to all the educational institutions

including those administered by the Minority Communities, unless otherwise repugnant to the provisions of the Constitution.

(8) The Institutions, which fail to obtain the renewal of recognition within the prescribed period i.e., by the time of expiry of the existing period, shall be treated as non-minority institutions.

(9) The Competent Authority shall take suo-moto action for suspension or cancellation of Minority Status Certificate issued by him either on permanent or temporary basis, in case the educational institution fails to comply with the above instructions.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.RAMALAKSHMAN,  
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Departments of Secretariat concerned.

The Heads of Departments concerned.

All District Collectors in the State

Copy to:

The Special Secretary to Chief Minister.

The P.S.to Minister (Higher Education & Minorities Welfare).

The P.S.to Minister (Technical Education).& Minister (School Education)

The P.S. to Principal Secretary to Government (MW)..

The Law Department

// FORWARDED::BY ORDER //

Sd/-  
SECTION OFFICER.

**FORM-I**

**APPLICATION FOR GRANT OF RECOGNITION AS MINORITY EDUCATIONAL INSTITUTION  
(For existing institutions, new institutions and renewal of recognition)**

- 1 Name of the Institution :
- 2 Name of the educational agency managing  
th institution :
- 3 Name of the Manager / Secretary /  
Correspondent of the educational agency :
- 4 Aims and objectives of the educational  
agency in establishing the institution (as  
seen in the constitution of the educational  
agency – a copy of the constitution to be  
enclosed) :
- 5 List of office bearers of the educational  
agency indicating the community of each  
member (list to be enclosed separately) :
- 6 Name of the community (religious or  
linguistic) to which the educational agency  
belongs and claims the status of minority  
community :
- 7 Furnish the following particulars (in case of  
already existing institutions)
  - a) Government orders under which the  
institution has been permitted to be  
established
  - b) Number and percentage of students :  
belonging to the concerned minority  
community, in each class/course  
separate statement of particulars for the  
last 5 years to be enclosed)
  - c) Number and percentage of students  
belonging to other communities (separate :  
statement of particulars for the last 5 years  
to be enclosed)
  - d) Whether rule of reservation has been  
following while admitting students  
belonging to other communitie
  - e) List of teaching and non-teaching staff  
appointed indicating the community to  
which each of them belong: (separate :  
statement of particulars to be enclosed)
  - f) Whether the teaching and non-  
teaching staff have been paid salaries as  
per the scales of pay prescribed by the  
Government from time to time to the staff :  
of other non-minority educational  
institutions
  - g) Whether the educational agency has  
been collecting tuition fees from the

students as prescribed by the Government from time to time to similar :  
other non-minority educational institutions

h) Whether the educational agency has been fulfilling the criteria laid down for recognition as minority institution, during the last 5 years (in case of existing institutions)(this aspect has to be verified :  
by the inspection authority by verifying the records at the time of inspection).

8 Furnish the following information (in case of institution proposed to be established / newly established)

a) Name of the Institution: :

b) Whether the educational agency is hopeful of securing the requisite strength of students belonging to the minority community, which it represents :

c) Whether the educational agency is prepared to fulfill/hopeful of fulfilling the criteria laid down for recognition as minority institution, regularly :

d) Whether the educational agency is prepared to comply with all the rules and regulations prescribed for the minority institutions by the Government from time to time :

e) Whether the educational agency is prepared to collect fees from the students as prescribed by the Government to the other non-minority private institutions :

#### DECLARATION

I, on behalf of the educational agency, hereby declare that if the particulars furnished/any of the particulars furnished are found to be fictitious on inspection/verification, the educational agency is prepared to forego the status as minority institution, if already enjoying (in case of existing institutions) and/to treat the application as indented for establishment of a non-minority educational institution.

PLACE:

DATE :

(Stamp to be affixed).

Manager/Secretary/Correspondent  
For the Educational Agency